

APPENDIX A

Section 5.2 from “Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California”

5.2 Site-Specific Objectives

If a priority pollutant criterion or objective is inappropriate for a particular water body (i.e., it does not protect the beneficial uses or, based on site-specific conditions, a less stringent standard may be warranted), a water quality objective that differs from the applicable criterion or objective may be developed for the site. A RWQCB may develop site-specific objectives whenever it determines, in the exercise of its professional judgement, that it is appropriate to do so. Where a priority pollutant criterion or objective is not being attained in the water body, under certain circumstances, it may be more appropriate to pursue other approaches to achieve the applicable criterion or objective rather than develop a site-specific objective. These approaches include, but are not limited to, watershed management and development of TMDLs (see Appendix 5 and Appendix 6). The RWQCB may investigate, facilitate, or implement such approaches as appropriate.

Regardless of an action taken by the RWQCB as described above, the RWQCB shall, at a public meeting, consider initiating the development of a site-specific objective under the following conditions:

- (1) A written request for a site-specific study, accompanied by a preliminary commitment to fund the study, subject to development of a workplan¹, is filed with the RWQCB; and
- (2) Either:
 - (a) a priority pollutant criterion or objective is not achieved in the receiving water; or
 - (b) a holder of an NPDES permit demonstrates that they do not, or may not in the future, meet an existing or potential effluent limitation based on the priority pollutant criterion or objective; and
- (3) A demonstration that the discharger cannot be assured of achieving the criterion or objective and/or effluent limitation through reasonable treatment, source control, and *pollution prevention measures. This demonstration may include, but is not limited to, as determined by the RWQCB:
 - (a) an analysis of compliance and consistency with all relevant federal and State plans, policies, laws, and regulations;
 - (b) a thorough review of historical limits and compliance with those limits;

¹ The elements presented under the “Special Studies Process” in Appendix 5 should be considered in developing the site-specific objectives workplan.

- (c) a thorough review of current technology and technology-based limits; and
- (d) an economic analysis of compliance with the priority pollutant criterion or objective of concern.

During the period when site-specific objectives studies are being conducted, the RWQCB shall place effluent limitations based upon the applicable priority pollutant criteria or objectives into permits only in conjunction with an appropriate compliance schedule and interim requirements, as described in sections 2.1 and 2.2.

A discharger subject to a schedule for compliance with a CTR criterion or CTR criterion-based effluent limitations, as described in section 2.1, may choose to, concurrently with the actions necessary to achieve compliance, conduct the studies necessary to support the development and adoption of a site-specific objective.²

Following adoption of a site-specific objective by the RWQCB, existing effluent limitations shall be replaced with effluent limitations (calculated as described in section 1.4) based on the adopted site-specific objective if the analysis in section 1.3 indicates that a limitation for the pollutant is required. In the event that, for reasons beyond the control of the discharger, a decision whether or not to adopt site-specific objectives has not been made by the RWQCB before the end of the compliance schedule, the compliance schedule shall be extended for an additional period to allow time for a decision whether or not to adopt the objective. However, in no event may a compliance schedule exceed the maximum time period allowed for compliance with the CTR criteria (as described in section 2.1) or priority pollutant objectives (as described in the basin plan, if applicable), unless an exception has been granted (in accordance with section 5.3).

Development of Site-Specific Objectives

Water quality objectives shall be developed in a manner consistent with State and federal law and regulations. In accordance with the State's Porter-Cologne Water Quality Control Act (Division 7 of the Water Code), objectives must provide for the reasonable protection of beneficial uses based on consideration of the factors listed in Water Code Section 13241. In accordance with federal law (CWA) and regulations (40 CFR 131.11, revised as of July 1, 1997), the objectives must be based on sound scientific rationale and protect the designated beneficial uses of the receiving water.

The RWQCB shall use scientifically defensible methods appropriate to the situation to derive the objectives. Such methods may include U.S. EPA-approved methods (e.g., Water Effects Ratio [WER] procedure, recalculation procedure, a combination of recalculation and WER procedures, Resident Species Procedure), and/or other methods specified in the workplan.

² A RWQCB may include a compliance schedule in a water quality standard based on a site-specific objective. Such a compliance schedule is separate and distinct from the compliance schedules established by this Policy.

A site-specific objective adopted by the RWQCB may include a compliance schedule. However, if attainment of the potential objective(s) developed under the study is anticipated to be infeasible (as defined in 40 CFR 131.10(g), revised as of July 1, 1997), or if the RWQCB otherwise determines it is appropriate, a *use attainability analysis (UAA) may be conducted. The RWQCB shall conduct, with the participation of interested persons, as appropriate, the UAA in accordance with 40 CFR 131.10(j) (revised as of July 1, 1997). If the UAA shows that attainment of the designated beneficial use(s) is not feasible (pursuant to 40 CFR 131.10(g) (revised as of July 1, 1997), the RWQCB shall designate an alternative beneficial use or subcategory of use, and develop appropriate water quality objectives to protect the new use(s). Both the use(s) and the objective(s) established to protect it would be reevaluated during the triennial reviews of the State's water quality standards.